

REMARKS

Claims 1-26 are pending in the present application. In a telephone conversation with applicants' attorney on December 12, 2003, the Examiner indicated that a Restriction Requirement in the present application was proper. Accordingly, attorney for the applicants elected Group I, claims 1-7 for prosecution on the merits. Applicants herein affirm this election.

In the Office Action dated December 17, 2003, the Examiner rejected claims 1-3, 5 and 7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,650,908, to Ramsey ("Ramsey"). The Examiner also rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Ramsey in view of U.S. Patent No. 4,222,330, to Krystyniak ("Krystyniak"). Finally, the Examiner rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over the Ramsey reference. Applicants disagree with these rejections and wish to clarify various distinctions of Applicants' invention over the cited art. Reconsideration of the invention is therefore requested in light of the following remarks.

In the remarks that follow, various technical differences between the references cited by the Examiner and the embodiments of the present invention are discussed. It is understood, however, that any discussion involving various embodiments of the invention, which are disclosed in detail in the applicants' specification, do not define the scope or interpretation of any of the claims. Moreover, any discussion of differences between the references cited and the various embodiments of the invention are intended only to help the Examiner to appreciate the importance of the claimed distinctions as they are discussed.

The various embodiments of the present invention are generally directed to an apparatus and methods for the identifying ammunition articles, and more specifically, to the application of an identifier to ammunition. In a pertinent embodiment, the invention includes an ammunition cartridge for a firearm having a bullet with a first identification surface positioned on the bullet. The ammunition cartridge also includes a casing that retains the bullet that further includes a second identification surface. A pre-selected identifying code may be positioned on at least one of the first and the second identification surfaces to identify the origin of the ammunition article. In a particular embodiment, the identifying code includes a first code portion and a second code portion may be combined to form an identifier that may be repetitively

applied to the first and/or second identification surfaces. With reference now to Figure 2 of the present application, the identifier includes a code prefix 32 that generally includes similar characters, such as dot, dimples or other similarly recognizable figures (page 7, lines 15-19). The identifier also includes a code body 34 that includes a plurality of readily recognizable and distinct characters, which may be a serial arrangement of numbers and/or letters, or even a randomly selected arrangement of numbers and/or letters. Turning now to Figure 2a of the present application, the identifier 29 is shown applied to a base portion 26 of a bullet 12. As shown, the code prefix 32 and the code body 34, which form a code 31 are repetitively applied to the base 26 so that the code 31 is identically reproduced numerous times on the base 26. The repetitive placement of the code 31 on at least one of the identification surfaces of the ammunition cartridge advantageously helps to ensure that at least one of the codes 31 (Figure 2) remains intact and identifiable despite deformation and/or fragmentation of the bullet 12.

The Examiner has cited the Ramsey reference for disclosing an identifiable ammunition article. Referring first to Figure 1, a bullet 1 includes numerals 2 impressed on a base portion of the bullet 1. A filler line 4 occupies the remaining space on the base of the bullet 1 to indicate the absence of higher numbers (page 2, lines 13-17). Further, in Figure 4, Ramsey discloses that the designating numerals 2 are positioned along the edge of the jacket material on the bullet 1, so that the numerals 2 may be impressed into a material that is relatively harder than the core material, which is comprised of lead (page 2, lines 16-23). The filler line 4 is also impressed into the edge of the jacket material to prevent the impression of additional numerals. Applicants note that the numerals 2 impressed on the base portion of the bullet 1 are segregated into a *single group* of numerals 2, which are bounded by the filler line 4, so that the repetition of the single group of numerals 2 is effectively prevented. Accordingly, applicants respectfully assert that Ramsey fails to disclose or even suggest in any motivated sense, the repetitive application of a code to a component of an ammunition cartridge.

The Examiner has also cited the Krystyniak reference. Krystyniak discloses an apparatus and a method for magnetically tagging an ammunition article, wherein particles such as ferrites having at least one Curie temperature may be incorporated into various components of the ammunition article. In one embodiment, the magnetic particles may be incorporated into the metal comprising the bullet (col. 3, lines 35-37), or the cartridge casing (col. 3, lines 67-68

bridging to col. 4, lines 1-2). In other embodiments, the magnetic particles may be incorporated into the propellant compound (col. 3, lines 26-29) or into the compound comprising the primer (col. 3, lines 21-24). The Curie temperature associated with the magnetic particles may be readily detected by heating the particles in the presence of a magnetic field, so that changes in magnetization may be readily detected. Accordingly, since the magnetic particles are generally comprised of a predetermined mixture of materials having different Curie temperatures, the presence or absence of a particular Curie temperature may be used to identify the marked component of the ammunition article. Applicants respectfully assert that the Krystyniak does not disclose a code that is comprised of optically identifiable characters that are repetitively applied to an identification surface.

Turning now to the claims, patentably distinct differences between the actual claim language and the applied references will be specifically pointed out. Claim 1, as amended, recites in pertinent part: "An identifiable ammunition cartridge for a firearm, comprising...a projectile having a first identification surface...a casing that is coupled to the projectile that includes a second identification surface...and...an identifier positioned on at least one of the first and the second identification surfaces, *the identifier further including a code comprised of a plurality of optically identifiable characters, the code being identically and repetitively applied to the identification surfaces.*" (Emphasis added). Ramsey does not disclose this. Instead, Ramsey discloses a single numerical group that is bounded, or enclosed by a filler line that precludes the repetition of the numerical group on the selected portion of the ammunition component. Moreover, the disclosure in the Krystyniak reference does not provide the teaching missing from the Ramsey reference. Accordingly, claim 1 is allowable over the cited references. Claims depending from claim 1 are also allowable based upon the allowable form of the base claim and further in view of the additional limitations recited in the dependent claims.



Appl. No. 10/617,124

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

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Fee Transmittal Sheet (+ copy)

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